

REMARKS

Applicants respectfully request further examination and reconsideration in view of the remarks set forth below. Claims 1-20 are rejected. Claims 1, 7, and 14 are amended herein. Claims 4, 10, and 17 were previously cancelled. Claims 1-3, 5-9, 11-16, and 18-20 remain pending. No new matter has been added as a result of these amendments.

Support for the amendments can be found at least in Figure 3 of the instant application, Figure 5 of the instant application; on page 25, line 11 - page 15, line 18 of the specification as filed; and on page 38, line 10 - page 39, line 19 of the specification as filed.

35 U.S.C. §103 Rejections

Obviousness Requirements

“As reiterated by the Supreme Court in *KSR*, the framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). Obviousness is a question of law based on underlying factual inquiries” including “[a]scertaining the differences between the claimed invention and the prior art” (MPEP 2141(II)). “In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious” (emphasis in original; MPEP 2141.02(I)). Applicants note that “[t]he prior art reference (or references when combined) need not teach or suggest all the claim limitations, however, Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art” (emphasis added; MPEP 2141(III)).

1-3, 5, 7-9, 11, 14-16, and 18

Claims 1-3, 5, 7-9, 11, 14-16, and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over “The Interactive Goal Panel: A methodology for Aligning R&D Activities With Corporate Strategy,” by Casper Lassenius, et al. (hereafter referred to as “Lassenius”) in view of Official Notice “...that it is old and well known in the art to collect customer data” (hereafter referred to as “Official Notice”) and further in view of U.S. Patent Publication 2003/0167197 to Shoemaker et al. (hereafter “Shoemaker”). Applicants have reviewed the cited text and art and respectfully submit that the claimed embodiments as recited in Claims 1-3, 5, 7-9, 11, 14-16, and 18 are patentable over the combination of Lassenius in view of Official Notice and further in view of Shoemaker for the following rationale.

Attention is directed to Claim 1, which recites (emphasis added):

gathering data from different perspectives associated with an organization and regarding a total customer experience of customers of said organization, said gathering data including gathering data from a customer regarding customer satisfaction with a priority of said customer with respect to said organization, gathering data from a manager within said organization regarding a perceived priority of said customer with respect to said organization, and electronically gathering data from a gap analysis of relationships of organizational blocks of said organization which affect said organization's total customer experience, said gap analysis including analyzing: said organization's management understanding of said total customer experience, alignment between said management understanding and a business focus of said organization, and a relationship between said business focus and execution of processes and resources as related to both partners and customers for delivery of said organization's products or services to said customers;

during a strategy session associated with said organization, determining a goal for said organization along with an associated success metric for accomplishing said goal, wherein said goal is selected to improve a customer experience shortcoming identified based on said data;

determining a department action plan for accomplishing said goal, wherein said goal is closely associated with a business objective of said organization;

taking measurable action to accomplish said goal; and

measuring said measurable action on two levels wherein a first of said two levels is a measuring of said measurable action against said success metric and a second of said two levels is a measurement of an impact of said measurable action on said data gathered from different perspectives associated with said organization.

Independent Claims 7 and 14 contain similar features to Claim 1 and were rejected with the same rationale used to reject Claim 1. Claims 2, 3, and 5 depend from independent Claim 1 and recite further features of the embodiment recited in Claim 1. Claims 8, 9, and 11 depend from

independent Claim 7 and recite further features of the embodiment recited in Claim 7. Claims 15, 16, and 18 depend from independent Claim 14 and recite further features of the embodiment recited in Claim 14.

Applicants submit that Lassenius does not teach, suggest, or otherwise render obvious the feature of

...gathering data from different perspectives associated with an organization and regarding a total customer experience of customers of said organization, said gathering data including ... electronically gathering data from a gap analysis of the relationships of organizational blocks of said organization which affect said organization's total customer experience, said gap analysis including analyzing: said organization's management understanding of said total customer experience, alignment between said management understanding and a business focus of said organization, and a relationship between said business focus and execution of processes and resources as related to both partners and customers for delivery of said organization's products or services to said customers...

(emphasis added) as is recited in Claim 1 and similarly in Claims 7 and 14. Instead, per Applicants' understanding, Lassenius appears to be silent with this feature as nothing is mentioned regarding "gathering data...including... electronically gathering data from a gap analysis of relationships of organizational blocks of said organization which affect said organization's total customer experience..." (emphasis added) as is recited in Claim 1 and similarly in Claims 7 and 14.

Moreover, Applicants submit that Lassenius does not teach, suggest, or otherwise render obvious the feature of

... measuring said measurable action on two levels wherein a first of said two levels is a measuring of said measurable action against said success metric and a second of said two levels is a measurement of an impact of said measurable action on said data gathered from different perspectives associated with said organization

(emphasis added) as is recited in Claim 1 and similarly in Claims 7 and 14. Though Lassenius appears to mention the general concepts of "metrics development" in paragraph 47 and of a "measurement plan" in paragraph 48, per Applicants' understanding, Lassenius appears to be silent with respect to carrying out these generalized concepts. As such, Applicants submit that nothing is taught or suggested by Lassenius which would render obvious the feature of

“measuring said measurable action on two levels...” (emphasis added) as is recited in Claim 1 and similarly in Claims 7 and 14.

Applicants submit that the Office Action’s reliance upon Official Notice (see page 10 of Office Action dated 11/29/2007) that “it is old and well known in the art to collect customer data” does not cure the deficiencies noted above with Lassenius. For example, even when viewed in combination with Lassenius, the very general concept of “collecting customer data” does not teach, suggest, or otherwise render obvious, “gathering data...including... electronically gathering data from a gap analysis of relationships of organizational blocks of said organization which affect said organization’s total customer experience...” (emphasis added) as is recited in Claim 1 and similarly in Claims 7 and 14. Additionally, even when viewed in combination with Lassenius, the very general concept of “collecting customer data” does not teach, suggest, or otherwise render obvious, “measuring said measurable action on two levels...” (emphasis added) as is recited in Claim 1 and similarly in Claims 7 and 14.

Applicants submit that Shoemaker does not cure the deficiencies noted above with Lassenius in view of Official Notice. Applicants understand that Shoemaker may describe a computer or internet based “Customer Relationship Measurement and Management System” (see e.g., Figure 1 and para. 17 of Shoemaker) and that a “...market research firm creates a customer survey unique to the company for distribution to respondents,” (para. 24 of Shoemaker). However, per Applicants’ understanding, even when viewed in combination with Lassenius and Official Notice, Shoemaker does not teach, suggest, or otherwise render obvious, “gathering data...including... electronically gathering data from a gap analysis of relationships of organizational blocks of said organization which affect said organization’s total customer experience...” (emphasis added) as is recited in Claim 1 and similarly in Claims 7 and 14.

Applicants understand that Shoemaker may describe that “[o]nce an action plan is implemented by an account manager, the results of the action plan are entered on a results page” (para. 42 of Shoemaker) and that entry of results may include an instance where “...the account

manager associates a score with each implemented action plan using a scoring device...,” (para. 42 of Shoemaker). However, per Applicants’ understanding, even when viewed in combination with Lassenius and Official Notice, Shoemaker does not teach, suggest, or otherwise render obvious, “measuring said measurable action on two levels...,”(emphasis added) as is recited in Claim 1 and similarly in Claims 7 and 14.

As the Rejection does not explain the above noted deficiencies and differences between the claims and the cited materials and why the claims as a whole would be obvious in spite of the differences, Applicants respectfully submit that Claims 1, 7, and 14 are not rendered obvious by Lassenius in view of Official Notice and further in view of Shoemaker. As such, Applicants submit that independent Claims 1, 7, and 14 are patentable over the 35 U.S.C. §103(a) rejection, and are therefore in condition for allowance. Moreover, Applicants submit that Claims 2, 3, and 5 which depend from Claim 1, claims 8, 9, and 11 which depend from Claim 7, and Claims 15, 16, and 18 which depend from Claim 14 are all allowable over the 35 U.S.C. §103(a) rejection by virtue of their dependence upon allowable base claims.

Claims 6, 12, and 19

Claims 4, 6, 10, 12, 17, and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lassenius in view of Shoemaker (as applied to Claim 1) and further in view of “eWorkbench: Real-time Tracking of Synchronized Goals” by Gary Meyer and published in the April 2001 issue of HRMagazine (hereafter referred to as “Meyer”). Applicants have reviewed the cited materials and respectfully submit that the embodiments as recited in Claims 6, 12, and 19 are not rendered unpatentable by Lassenius in view of Shoemaker in further view of Meyer for the following rationale.

Reference is again made to independent Claim 1 (shown above), which contains similar features to independent Claims 7 and 14 that were rejected with the same rationale. Claims 6, 12, and 19 depend from independent Claims 1, 7, and 14 respectively. As previously indicated,

Applicants believe that Claims 1 (and 7 and 14) are allowable over the 35 U.S.C. §103(a) rejection of Lassenius in view of Shoemaker.

Applicants submit that the Meyer text, even when viewed in combination Lassenius and Shoemaker, does not cure the deficiencies or address the differences between the claims and cited material which were noted above with respect to the combination of Lassenius in view of Shoemaker. For example, per Applicants' understanding, even when viewed in combination with Lassenius and Shoemaker, Meyer does not teach, suggest, or otherwise render obvious, "gathering data...including... electronically gathering data from a gap analysis of relationships of organizational blocks of said organization which affect said organization's total customer experience..." (emphasis added) as recited in Claim 1 and similarly in Claims 7 and 14.

Per Applicants' understanding Meyer may describe a mechanism for allowing "managers and line employees to create and track goals, and align them with their employer's broad objectives" (see, e.g., para. 2 of Meyer) and may also describe allowing an employee to indicate "[w]hen a milepost has been met..." (see, e.g., para. 5 of Meyer). However, Meyer may suggest tracking a goal on one level (e.g., meeting of a milepost), Applicants submit that this is not similar to, and does not teach, suggest, or otherwise render obvious the claim feature of, "measuring said measurable action on two levels wherein ... a second of said two levels is a measurement of an impact of said measurable action on said data gathered from different perspectives associated with said organization," (emphasis added) as is recited in Claim 1 and similarly in Claims 7 and 14.

As the Rejection does not explain the above noted deficiencies and differences between the claims and the cited materials and why the claims as a whole would be obvious in spite of the differences, Applicants respectfully submit that Claims 1, 7, and 14 are not rendered obvious by Lassenius in view of Shoemaker and further in view of Meyer. As such, Applicants submit that independent Claims 1, 7, and 14 are patentable over the 35 U.S.C. §103(a) rejection, and are therefore in condition for allowance. Moreover, Applicants submit that Claim 6 which

depends from Claim 1, Claim 12 which depend from Claim 7, and Claim 19 which depends from Claim 14 are all allowable over the 35 U.S.C. §103(a) rejection by virtue of their dependence upon allowable base claims.

Claims 13 and 20

Applicants were unable to find Claim 13 or Claim 20 addressed by the rejections described in the present Office Actions. However, Applicants submit that Claims 13 and 20 are allowable for at least the rationale described above and by virtue of their dependence from independent Claims 7 and 14 which are believed by Applicants to be allowable over all rejections.

CONCLUSION

In light of the above listed remarks, Applicants respectfully requests reconsideration of pending Claims 1-3, 5-9, 11-16, and 18-20.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present application.

Respectfully submitted,

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